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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,667	03/13/2001	Edward O. Lee	10002632-1	2863

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,667

Applicant(s)

LEE, EDWARD O.

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/26/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on March 31, 2001.
2. Claims 1-20 have been examined and remain pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7-13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan (US 5,583,994 A) in view of Kahn et al. (US 6,574,628 B1).

INDEPENDENT:

As per ***claim 1***, Rangan teaches a method for generating a publication, the method comprising:

soliciting content from one or more content providers (see col.2, lines 17-19) in response to a user request to receive such content in accordance with a user-defined delivery schedule (see col.2, lines 35-39 & 54-58); and

receiving the content at a content repository in accordance with a publication schedule of the content (see col.2, lines 19-23 & 54-58 and col.8, lines 10-19) and delivering to the requesting user if the publication schedule differs from the user-defined delivery schedule (see col.2, lines 23-25; col.7, lines 30-32; and col.8, lines 26-32).

Rangan does not explicitly teach of aggregating the content for subsequent delivery. Kahn teaches of aggregating content (see Fig.11, #170 and col.8, lines 17-22).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kahn within the system of Rangan by implementing aggregation of content within the method for generating a publication because although Rangan teaches of a single wide area server for transmitting the multimedia program, it is obvious to a person of ordinary skill in the art that plurality of content providers exist. Therefore, the requested content would clearly be aggregated if received from a plurality of sources.

As per **claim 11**, Rangan teaches a storage medium comprising a plurality of executable instructions which, when executed, implement an edit module to solicit content from one or more content providers (see col.2, lines 17-19) in response to a user request to receive such content in accordance with a user-defined delivery schedule (see col.2, lines 35-39 & 54-58), to receive the content at a content repository in accordance with a publication schedule of the content (see col.2, lines 19-23 & 54-58 and col.8, lines 10-19), and

to deliver to the requesting user if the publication schedule differs from the user-defined delivery schedule (see col.2, lines 23-25; col.7, lines 30-32; and col.8, lines 26-32).

Rangan does not explicitly teach of aggregating the content for subsequent delivery. Kahn teaches of aggregating content (see Fig.11, #170 and col.8, lines 17-22).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kahn within the system of Rangan by implementing aggregation of content within the program to solicit content from one or more content providers because although Rangan teaches of a single wide area server for transmitting the multimedia program, it is obvious to a person of ordinary skill in the art that plurality of content providers exist. Therefore, the requested content would clearly be aggregated if received from a plurality of sources.

As per **claim 16**, Rangan teaches a document delivery system comprising: an content repository, to receive content from one or more content providers in accordance with a content provider publication schedule (see col.2, lines 19-23 & 54-58 and col.8, lines 10-19); and

an edit module, coupled to the content repository, to periodically collect in the content repository for delivery to a requesting user in accordance with a user-defined delivery schedule (see col.2, lines 23-25; col.7, lines 30-32; and col.8, lines 26-32).

Rangan does not explicitly teach of aggregating the content. Kahn teaches of aggregating content (see Fig.11, #170 and col.8, lines 17-22).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kahn within the system of Rangan by implementing aggregation of content within the document delivery system because although Rangan teaches of a single wide area server for transmitting the multimedia program, it is obvious to a person of ordinary skill in the art that plurality of content providers exist. Therefore, the requested content would clearly be aggregated if received from a plurality of sources.

DEPENDENT:

As per **claims 2, 12, and 17**, which depend on claims 1, 11, and 16, respectively, Rangan teaches of further comprising:

an edit module for compiling the received content into a document format (see col.1, line16-20); and

an edit module for delivering the formatted content in a user-defined form to the requesting user (see col.1, lines 16-20 and col.7, lines 40-46).

As per **claims 3, 13, and 18**, which depend on claims 2, 12, and 17, respectively, Kahn further teaches wherein the edit module compiles the received content into a document format by formatting the received content within a publication to denote a chronological order in which the content was received (see col.17, lines 14-20).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kahn within the system of Rangan by implementing compiling the received content into a document format by formatting the

Art Unit: 2155

received content within a publication to denote a chronological order in which the content was received, within the method, program, and system, respectively, because Kahn teaches that that such function is an example of a user preferences which can be applied and thus provides added functionality to the system.

As per **claim 7**, which depends on claim 1, Rangan further teaches wherein soliciting content from one or more content providers comprises: sending a subscription request to one or more content providers requesting the content in accordance with the publication schedule of the content provider (see col.1, lines 16-26).

As per **claim 8**, which depends on claim 1, Rangan further teaches wherein soliciting content from one or more content providers comprises: periodically issuing requests to the content providers for content on behalf of the requesting user (see col.3, lines 42-45).

As per **claim 9**, which depends on claim 8, Rangan further teaches wherein the period is determined by the publication schedule of the content provider(s) (see col.2, lines 36-39).

As per **claim 10**, which depends on claim 8, although Rangan does not explicitly teach wherein the requests are issued daily, this difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. Thus this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to issue requests according to any interval because such data does not functionally relate to the steps of the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

4. Claims 4-6, 14-15, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan (US 5,583,994 A) and Kahn et al. (US 6,574,628 B1) as applied to claims 2, 12, and 17 above, and further in view of Yost et al. (US 6,269,393 B1).

As per **claims 4, 14, and 19**, which depend on claims 2, 12, and 17, respectively, Rangan and Kahn do not explicitly teach wherein the edit module delivers the aggregated content by sending the formatted publication, along with a print instruction, to printing device designated by the requesting user. Yost teaches of sending the formatted publication, along with a print instruction, to printing device designated by the requesting user (implicit: see col.5, lines 7-10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Yost within the system of Rangan and Kahn by implementing sending the formatted publication, along with a print instruction, to printing device designated by the requesting user within the method, program, and system, respectively, because Yost teaches that that such function is an example of a

user preferences which can be applied and thus provides personalized functionality to the system (see Yost: col.4, lines 44-51).

As per **claim 5**, which depends on claim 4, Yost further teaches wherein the print instructions designate a time for printing the publication (see col.6, lines 48-51 and col.7, lines 51-53).

As per **claims 6, 15, and 20**, which depend on claims 2, 12, and 17, respectively, Rangan and Kahn do not explicitly teach wherein the edit module delivers the aggregated content by sending the formatted publication to one or more electronic mailboxes designated by the requesting user. Yost teaches of edit module delivers the aggregated content by sending the formatted publication to one or more electronic mailboxes designated by the requesting user (see col.5, lines 7-10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Yost within the system of Rangan and Kahn by implementing delivering the aggregated content by sending the formatted publication to one or more electronic mailboxes designated by the requesting user within the method, program, and system, respectively, because Yost teaches that that such function is an example of a user preferences which can be applied and thus provides personalized functionality to the system (see Yost: col.4, lines 44-51).

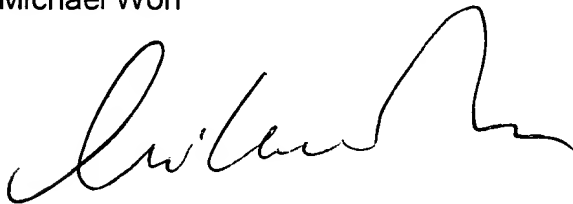
Conclusion

5. For the reasons above, claims 1-20 has been rejected and remain pending.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

February 2, 2006